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Attorneys for Defendant
Paul Hubert

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CRAIGSLIST, INC., a Delaware corporation,

Plaintiff,

vs.

TODD THOMPSON, PAUL HUBERT,
JOHN DOE d/b/a CRAYGO.COM, and Does
2 through 25, inclusive,

Defendants.

CASE NO.: CV-08-5067-JW

**DEFENDANT PAUL HUBERT'S NOTICE
OF MOTION AND MOTION TO
VACATE DEFAULT JUDGMENT (FRCP
60(b)(4))**

Hearing Date: October 31, 2011
Time: 9 a.m.

TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on Monday, October 31, 2011, at 9 a.m., or as soon thereafter as counsel may be heard by the above-entitled court, located at 450 Golden Gate. Ave., San Francisco, CA, 94102, Defendant Paul Hubert will and hereby does move the Court pursuant to Rule 60(b)(4) of the Federal Rules of Civil Procedure to vacate the Default Judgment entered by the Clerk on April 15, 2010.


This motion is brought on the following grounds: the default judgment in this action is void because Defendant Paul Hubert was never served with summons in this case and has made no appearance on it. Alternatively, this motion is brought on the grounds that the default

1 judgment is void because the place where Defendant Paul Hubert was purportedly served by
2 substitute service was not his usual dwelling house or place of abode, nor was the situs of the
3 alleged substituted service his place of business.

4 This motion is based on this notice, the memorandum of points and authorities filed
5 herewith, the declarations of Chad Conley, Penny Utter and Defendant Paul Hubert, and upon
6 such other matters as may be presented to the Court at the time of hearing.

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9 Dated: September 12, 2011

KUMIN SOMMERS LLP

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13 Attorneys for Defendant
14 Paul Hubert
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